IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 19838 of 2004

Between:

M/s Jayanth Agro Industries, Rep. by its Managing Partner

D.Jayanth Kumar,R/o H.No. 5-3-829, Goshamahal, Hyderabad.

..... PETITIONER

AND

1 The Chairman and Managing Director, A.P.I.I.C. Ltd, Basheerbagh,

Hyderabad.
2 Senior Manager, A.P.I.I.C Ltd, Zonal Office, Jeedemetla.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of Respondents in issuing proceedings dated 29-7-2004 calling upon me to pay Rs. 41,54,232/- less E.M.D. already paid for allotment of Plot No.20, admeasuring 6 acres situated at Mahankal IDA, Maheshwaram Mandal, R.R. District as arbitrary and illegal and consequently declare that the Petitioner is entitled to allotment of Plot No.20, admeasuring 6 acres situated at Mahankal IDA, Maheshwaram Mandal, R.R. District at the rate of Rs. 100/- per Sq. Meter.

Counsel for the Petitioner: MR.VIJAY B.PAROPAKARI (Not present)

Counsel for the Respondent : MR.E.MADAN MOHAN RAO FOR RVAK - 1 & 2

The Court made the following :

O R D E R:

On a vacate stay petition filed by the respondents the matter is listed for hearing on 2-3-2005. But nobody appeared on behalf of the petitioner on that date and therefore, posted for dismissal to-day. To-day also no one appeared.

The petitioner seeks to issue a writ of Mandamus declaring the action of the respondents in issuing proceedings dated 29-07-2004 calling upon him to pay a sum of Rs.41,54,232/- as arbitrary and illegal.

It is stated in the affidavit filed in support of the writ petition that the Government of Andhra Pradesh identified Mahankal IDA Maheswaram, RR District as backward area and allotted the same to the respondents-corporation with a view to develop and allot the same to the genuine entrepreneurs. On 23-10-2002, the petitioner approached the 2nd respondent-Senior Manager, A.P.I.I.C. Ltd., Zonal Office, Jeedimetla and selected plot No.20 admeasuring Ac.6.00. It is further stated that the 2nd respondent-Senior Manager, APIIC, Zonal Office, Jeedimetla, fixed the value of the plot at Rs.100/- per square meter and the petitioner was informed that he has to pay a sum of Rs.3,19,250/- towards 15% of Earnest Money Deposit (EMD) In view of the same, the petitioner paid the said amount by way of Bank Pay Order No.381298

dated 25-10-2002 to the 2nd respondent and submitted his application dated 25-10-2003 in the form prescribed under Rule 4.7(vi) of the allotment regulations. As the application of the petitioner was not fulfilling the required conditions, he was informed by the 1st respondent-corporation to obtain No Objection Certificate (NOC) from the A.P. Pollution Control Board within a period of one month to enable the corporation for allotment of the said plot. Subsequently, the petitioner vide letter dated 04-06-2003 informed that he could not get the NOC from Pollution Control Board and requested to refund the EMD deposited by him. On the information received from the Zonal Manager, APIIC stating that the plot rates are being revised, he again deposited the differential amount of Rs.50,000/- towards EMD by way of pay order dated 26-3-2004. Pursuant to the said request, the application of the petitioner was considered and plot No.20 situated at Mahankal IDA Maheshwara Mandal, was allotted in favour of the petitioner vide letter dated 31-05-2000, subject to the conditions stipulated therein, wherein it was clearly mentioned that the plot was allotted to the petitioner at a tentative cost. The petitioner did not receive the letter sent by the corporation and finally he visited the Sub Zonal Office and collected the allotment orders dated 31-5-2004 and

29-07-2004. Subsequently the petitioner informed the corporation about his change of address. Admittedly, the petitioner collected the allotment letter dated 31-01-2004 on 29-07-

2004. The grievance of the petitioner is that he is entitled to allotment of the said plot at the rate of Rs.100/- per square meter but not at the rate of Rs.207/- per sq. meter including 15% surcharge and the action of the respondent in calling upon him to pay the total cost of the plot Rs. 41,54,232/- within 90 days from the date of receipt of the said orders is illegal and arbitrary. Aggrieved by the same, the present writ petition has been filed.

Admittedly, as per the allotment letter dated 31-01-2004, the application of the petitioner was considered and the allotment was made in his favour at a tentative cost of Rs.207/- per square meter including 15% surcharge on the total land, which works out to Rs.41,54,232/- . In the absence of any assurance or commitment made by the respondents-corporation, it cannot be said that the petitioner is entitled for allotment of the said plot at the rate of Rs.100/- per square meter.

In view of the above facts and circumstances of the case and admittedly the allotment was made in favour of the petitioner at a tentative cost of Rs.207/- per square meter and in the absence of any commitment made by the respondent-corporation, I am of the view that the petitioner is not entitled to the allotment of the said plot at the rate of Rs.100/- square meter. Therefore, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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09-03-2005.

Mjl/*

To,

1 The Chairman and Managing Director, A.P.I.I.C. Ltd, Basheerbagh,

Hyderabad.
2 The Senior Manager, A.P.I.I.C Ltd, Zonal Office, Jeedemetla.

3. 2 CD copies.